

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

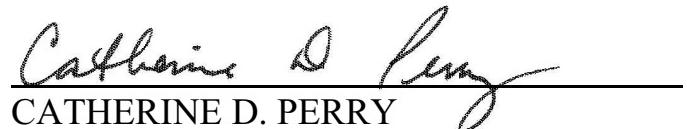
LEROY SIMMONS, )  
                    )  
Plaintiff,       )  
                    )  
vs.               )                  Case No. 4:06CV1045 CDP  
                    )  
PATRICK BRYANT, et al., )  
                    )  
Defendants.       )

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's motion for default judgment. According to plaintiff, the defendants have failed to answer his interrogatories and therefore he seeks a judgment by default. Although plaintiff is representing himself pro se, he is still required to follow the Local Rules of the Eastern District of Missouri and the Federal Rules of Civil Procedure. According to Local Rule 3.04, the Court will not consider any motion relating to discovery unless it contains a statement that movant has conferred in person or by telephone with the opposing counsel in good faith or has made reasonable efforts to do so, but that after sincere efforts to resolve their dispute, the parties were unable to reach an agreement. Based on plaintiff's motion and affidavit in support, he has not tried to resolve this issue with opposing counsel before bringing it before the Court. Even had he attempted resolution, of course, the proper motion to file would be a motion to compel, not a motion for default judgment. The motion will be denied.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for default judgment  
[#31] is DENIED.

  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 26th day of January, 2007.